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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,967	12/05/2001	Peter Eric Evans	3760.007	3293

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EXAMINER

FLORIO, KRISTINE MARIE

ART UNIT PAPER NUMBER

3671

DATE MAILED: 07/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/009,967

Applicant(s)

EVANS, PETER ERIC

Examiner

Kristine M. Florio

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-17 is/are allowed.
- 6) ☒ Claim(s) 18-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 18, 19, 21 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stehle et al. (US Patent 3,950,873).

Stehle et al. discloses a portable bollard having a base portion (adjacent 10, figure 5) having an outer housing of a rigid or semi-rigid material, defining a cavity space therein adapted to contain a fluidic ballasting material (30, figure 5), and an upwardly vertically extending post member attached to the base portion (14, figure 1). The post has a bottom, middle and upper end adapted to receive a rope or chain, wherein the base portion has a raised central region adapted to straddle a lower horizontal cross bar of a portable barricade support frame or trestle cross-bar. The post member is slotted to receive and support one or more elongated barrier boards (86, 88, figure 5). The upper end of the post member incorporates a light emitting means (24, figure 1) or optionally a light reflecting means (94, figure 5).

Stehle et al. discloses the claimed invention except for the upwardly vertically extending post member being separable from the base portion. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the post and base separable, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

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3. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stehle et al. in view of Vockins (EP 176,973).

Stehle et al. discloses in paragraph 2 above the claimed device except for bayonet lock. Vockins discloses that it is known in the art to provide a bayonet lock (abstract) in order to secure a sign or visual indicator to the anchor. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the anchor system of the combination of paragraph 2 above with the bayonet lock of Vockins, in order to provide a simple connection means to facilitate connection of the post to the anchor.

4. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stehle et al. in view of Priesemuth (DE 3940007).

Stehle et al. discloses in paragraph 2 above the claimed device except for a photoelectric rechargeable light source. Priesemuth discloses that it is known in the art to provide a photoelectric rechargeable light source (14, figure 1; abstract) in order to provide a visual/light indicator. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the anchor system of the combination of paragraph 2 above with the photoelectric rechargeable light source of Priesemuth, in order to provide a visual/light indicator.

Allowable Subject Matter

5. Claims 14-17 are allowed.

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Response to Amendment

6. Applicant's arguments with respect to claims 14-25 have been considered but are moot in view of the new grounds of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

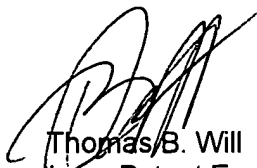
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristine M. Florio, whose telephone number is (703) 305-1676. The examiner can normally be reached on Mon-Fri from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached on (703) 308-3870. The fax phone number for this Group is (703)305-3597.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-1113.



Thomas B. Will
Supervisory Patent Examiner
Group 3600

KMF
July 14, 2003